

REMARKS

Claims 1-10, 12, 13, 15-19 and 21-24 remain pending in the present application, with claims 21-24 being newly added. Claim 1 and 21 are independent.

OBJECTIONS

CLAIMS 3 AND 15

Claims 3 and 15 are objected to on the basis of an informality, that the language is "unclear[.]"

Applicants amended Claims 3 and 15 from "on a side opposite to a side from which electromagnetic waves income with respect to the element receiving means[.]" to read "on a side opposite to a side from a incoming direction of electromagnetic waves with respect to the element receiving means." Such amendments are non-narrowing amendments and have not been made for any reason relating to patentability. Applicants mean no disrespect in choosing alternate language from what the Examiner has suggested, the Applicant merely wishes to remain as consistent as possible with language used in the specification. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

CLAIM 1

Applicant has amended Claim 1 using regional language that should assist the Examiner in interpreting the Claims. The language does not narrow the scope of Claim 1. Rather, it is simply a conventional linguistic translation to clarify its meaning and should be considered as such.

Claim 1 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Amano ("Investigation on the Matching Characteristics of EM-Wave Absorber Mounted Conductive Patterns[,] hereinafter Amano) in view of Matsuo (JP 11-204984, hereinafter Matsuo). Applicant respectfully traverses this rejection.

Examiner writes that, "Amano teaches an electromagnetic wave absorber comprising: element receiving means provided with a plurality of conductor elements ("Conductive Patterns: Fig. 2) having predetermined resonant **frequencies** (ab. Lines 3-5) and including a **plurality of types** of conductor elements (cross and square shapes, Figs. 1 and 2), the plurality of conductor elements **being arranged spaced away from each other** in a **direction intersecting an incoming direction of electromagnetic waves...**" (Emphasis added.) Applicant disagrees.

Respectfully, the Examiner did not show that the claimed device was obvious in so much as not all the features of Claim 1 are found in the prior art. Please see MPEP 2143.03 ("All Claim Limitations Must be Considered") and In Re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995) (An Examiner must make "a searching comparison of the claimed invention -including all its limitations-

with the teachings of the prior art”). First, the Examiner did not show that Amano in view of Matsuo teaches or suggests (alone or in combination) “performing the same or different receiving operations”. Although Applicant uses the amended language, the substance remains identical and the Examiner did not address this feature in either incarnation. Second, applicant believes that the Examiner has not demonstrated that the cited art reads upon “a first type and a second type of conductor elements” or alternatively that the Examiner has not demonstrated that the types are “spaced away from each other in a direction intersecting an incoming direction of electromagnetic waves[.]”

The clarified language of Claim 1 should now make the distinction between the related art and Applicant's Claim 1 apparent. Applicant claims “first types and second types of conductor elements[.]” that are “spaced away from each other in a direction intersecting an incoming direction of electromagnetic waves[.]” Amano discloses the use of a single type of element, or if multiple types of elements, the elements are not “spaced away” from each other. Please see fig. 1 where the elements are labeled, “Case I” “Case II[.]” and “Case III and IV[.]” and Table I (showing characteristics of only one Case at a time). For those cases containing a “cross and square shape,” this refers to a single element for the purpose of matching resonant frequencies, they coexist in the same space in a single layer. Amano fails to read on “first types and second types of conductor elements[.]” If, on the other hand, the Examiner characterizes the shape in Fig. 1 as separate element types, one of a cross and one of a square, Amano does not teach or suggest “spaced away from each other in a direction intersecting an

incoming direction of electromagnetic waves[.]” In either interpretation, Amano does not teach or suggest such a limitation as set forth in Applicants Claim 1.

For completeness, it should be noted that Fig. 2 only relates to “Multi-Layer cross patterns[.]” which, even assuming they are not “layered” directly on top of each other and therefore a single element, still fail to meet the element of being “spaced away from each other in a direction intersecting an incoming direction of electromagnetic waves...”

Thus, neither Amano Fig. 1, nor Fig. 2, can be held to teach or suggest the aforementioned limitation of Applicant’s Claim 1. Because Matsuo similarly only discloses a single type of element, it is not necessary to reach the Examiner’s interpretation of that reference. Accordingly, even assuming *arguendo* that Matsuo could be combined with Amano (which is not admitted), it would still fail to make up for the previously mentioned deficiencies of Amano.

Applicant respectfully requests that in light of the amendment to Claim 1, independent Claim 1 be allowed. Claims 2-10,12, 13 and 15-19 depend from Claim 1. “If an independent claim is nonobvious under 25 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citing *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)). For this reason it is respectfully requested that the rejections to Claims 2-10,12, 13 and 15-19 be withdrawn and the claims allowed.

NEW CLAIMS

With regards to new claim 22-24, these are dependent claims, dependent upon Claim 1, and thus similarly allowable. With regards to new independent

claim 21, although the claim should be interpreted solely based upon the limitation set forth therein, claim 21 is allowable for at least one of the reasons previously set forth regarding claim 1.

CONCLUSION


Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 2-10, 12, 13, 15-19 and 21-24 in connection with the present application is earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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